

## Lead Sponsors of DOMA-Repeal Bill Condemn House Republican Leadership's Decision to Defend the 1996 Law

Wednesday, 09 March 2011

WASHINGTON, D.C. - Today, in response to the announcement that the Bipartisan House Legal Advisory Group (BLAG), by a 3-2 vote over the objections of House Democratic Leaders Nancy Pelosi and Steny Hoyer, directed the House General Counsel to defend the 1996 Defense of Marriage Act (DOMA) in court, Representatives Jerrold Nadler (D-NY), Barney Frank (D-MA), Tammy Baldwin (D-WI), Jared Polis (D-CO), David Cicilline (D-RI), and John Conyers (D-MI) issued the following joint statement:

"This 3-2 vote, carried over the vigorous objection of House Democratic Leaders and structured to avoid a vote of the House as a whole, is partisanship at its worst.

"The President correctly concluded that the Defense of Marriage Act cannot and should not be defended in court. It has been 15 years since Congress enacted DOMA, and the myths and stereotypes used to support its enactment have been shattered. Married gay and lesbian couples pay taxes, serve their communities, struggle to balance work and family, raise children and care for aging parents. Their contributions and needs are no different than anyone else's. The majority of Americans understand this and now favor extending the time-honored tradition of marriage to loving and committed gay and lesbian couples. There is no legitimate reason for the federal government to continue denying married gay and lesbian couples the legal security, rights and responsibilities that recognition of their marriages would provide.

"We are extremely disappointed that the House Republican Leadership has decided to actively promote and defend discrimination; and they cannot cloak their intentions with the false assertion that the President or DOJ have failed to execute the law faithfully. The Administration considered this issue carefully, over several years, and opted not to defend DOMA in court after extensive study of the legal and factual issues at stake. Based on the lack of any reasonable arguments that justify the harm that DOMA imposes on loving gay and lesbian couples, DOJ correctly concluded that Section 3 of the law violates the Constitution. Its conclusion was hardly remarkable, as one federal judge already has ruled that the law is unconstitutional and cannot be justified under even the lowest level of judicial review.

"The President's decision that DOJ should not be expected or required to continue making harmful and unreasonable arguments that demean its credibility, and that of the American people, was appropriate. While the decision not to continue defending a law is rare - as it should be - it is not without precedent. The President has pledged to honor his duty to faithfully execute the law by enforcing Section 3 of DOMA until it is either struck down or repealed. His courageous decision also honors his oath to 'preserve, protect and defend the Constitution' by ensuring that the rights it guarantees have meaning.

"Rather than seeking to defend this law in court, House Republican Leaders should work with us to repeal DOMA. This action debunks House Republican Leadership's claim of being the so-called guarantor of states' rights. House Republican Leaders seem only to favor states' rights when it suits them ideologically. Rather than recognizing every states' married couples equally, Section 3 of DOMA refuses to recognize the marriages of gay and lesbian couples from five states and the District of Columbia. Those states have a clear interest in ensuring that all of their married couples receive the same recognition under federal law. Certainly, Republican Leadership is not acting in these states' interests."

Two weeks ago, the Obama Administration concluded that Section 3 of DOMA, which defines marriage for purposes of federal law and prohibits the recognition of married gay and lesbian couples, is unconstitutional, and directed DOJ to stop defending it in court. In a letter to Speaker Boehner explaining the President's decision, Attorney General Holder cited the significant history of purposeful discrimination against gay and lesbian Americans and the lack of any reasonable arguments to support the law in explaining that, while the Administration will continue to enforce the law until it is repealed or struck down, "this is the rare case where the proper course is to forego the defense of this statute" in court.

###